



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: September 14, 2007
Comment Deadline: October 15, 2007
Corps Action ID #: 2007-02903

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Turnpike Authority seeking Department of the Army authorization to impact 20.18 acres of wetlands, 14,929 linear feet of stream and 11.23 acres of ponds, for construction of the Western Wake Freeway toll facility (TIP R-2635), from NC 55 at SR 1172 (Old Smithfield Road), between Holly Springs and Apex, to the existing NC 540 at NC 55 near SR 1630 (Alston Avenue), west of Morrisville, in western Wake County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands.

Applicant North Carolina Turnpike Authority
Attn: Steven D. DeWitt, P.E.
Chief Engineer
1578 Mail Service Center
Raleigh, NC 27699-1578

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404(b) of the Clean Water Act (33 U.S.C. 1344).

Background

The North Carolina Department of Transportation NCDOT began project planning and environmental documentation of TIP R-2635 (Former Action ID 199602462), then known as the Western Wake Expressway (WWE), in the mid-1990's. An inter-agency review team was formed to review the project jointly under the National Environmental Policy Act and Section 404(b) of the Clean Water Act, and NCDOT/FHWA held public meetings for the environmental review process. In June, 2000, a representative of the Corps of Engineers attended the NCDOT/FHWA Corridor Public Hearing that presented the alternatives for consideration. In August 2000, the interagency review team selected a Least Environmentally Damaging Practicable Alternative, Alternative A, for the project. A final NCDOT/ FHWA Environmental Impact Statement (FEIS), which described the social, economic, and environmental impacts

associated with Alternative A was completed in January 2004. In April, 2004, FHWA approved the Record of Decision for the project, and held a Design Public Hearing in March, 2005.

Subsequently, in December, 2005, the mayors of five southern and western Wake County towns requested that the North Carolina Turnpike Authority (NCTA) evaluate the feasibility of constructing the I-540 Western Wake Freeway as a toll road. In February, 2006, the NCTA initiated a traffic and revenue study to evaluate the financial feasibility of tolling I-540 the Western and Southern Wake Freeways from NC 55 at Morrisville to I-40 south of Garner. NCTA, in coordination with NCDOT, held a Citizens Information Workshop for the Western Wake Freeway toll facility in February, 2007, and a Corps of Engineers representative attended. NCTA is currently preparing an EIS Reevaluation Report, which they expected to complete in the fall of 2007.

Location

The Western Wake Freeway is proposed to be constructed on new location, running generally south to north, from NC 55 at SR 1172 (Old Smithfield Road), between Holly Springs and Apex, to the existing NC 540 at NC 55 near SR 1630 (Alston Avenue), west of Morrisville, crossing Little Branch, Big Branch, White Oak Creek, Beaver Creek, Reedy Branch, Clark Branch, Bachelor Branch, Panther Creek, Morris Branch, Nancy Branch, and unnamed tributaries (approximate middle of project at 35.747° N Latitude, -78.892° W Longitude), in western Wake County, North Carolina.

Existing Site Conditions

The general area to be impacted is a corridor running generally west of and parallel to the NC 55 corridor between the communities of Holly Springs and Carpenter, and its setting varies from developed residential areas, to farmland, and to undeveloped wooded land. All of the areas with impacts to waters of the United States are in the Cape Fear River basin. The majority of the project is in the Haw River sub-basin, and the southern end of the project is in the Upper Cape Fear sub-basin.

The wetland habitats that will be impacted by the proposed project are typical piedmont wetlands, including emergent marsh, maintained and forested palustrine wetlands, and bottomland hardwood forest. These wetlands are adjacent to Little Branch, Big Branch, White Oak Creek, Beaver Creek, Reedy Branch, Clark Branch, Bachelor Branch, Panther Creek, Morris Branch, Nancy Branch, and tributaries that are unnamed on the USGS quadrangle maps. The impacted unnamed tributaries range in size from one foot wide and less than one foot deep, to more than ten feet wide and several feet deep, with most of the streams being less than three feet wide and two feet deep. Some of the impacted streams are classified by NCDWQ as Class C (waters protected for secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, agriculture and other uses), and the rest of the streams are Class WS-IV (Water Supply IV - generally in moderately to highly developed watersheds or Protected Areas, and involve no categorical restrictions on discharges) (Nutrient Sensitive Waters) NSW.

Applicant's Stated Purpose

The stated purpose of the project is to provide a high speed, multi-lane, controlled access freeway to accommodate the increasing transportation demand on the area's north-south arterials.

Project Description

Maps showing the location of the project, and stream, wetland and pond impacts, are included with this public notice. The proposed project is a new location, six-lane, fully controlled-access, toll facility with a 78-foot median. The proposed highway will extend approximately 12.6 miles, from near Holly Springs to west of Morrisville. The highway will have interchanges at the NC 55 Holly Springs Bypass, at US 1, Old US 1, US 64, Green Level Road, and at NC 55 at the connection with the existing NC 540.

The highway will be divided into three sections for construction. Final design has been completed for Section C, on the northern end, which is scheduled to be let for construction no earlier than April, 2008. Sections A and B, for which let has not yet been scheduled, only have preliminary design at this point. Final design will be completed after issuance of a Department of the Army Permit, no earlier than April, 2008, and the permit will be modified as necessary before construction begins on Sections A and B.

The project will involve fill impacts to 14, 929 linear feet of stream channels of Little Branch, Big Branch, White Oak Creek, Beaver Creek, Reedy Branch, Clark Branch, Bachelor Branch, Panther Creek, Morris Branch, Nancy Branch, and unnamed tributaries, and to 11.23 acres of ponds, and 20.18 acres of wetlands. The stream impacts include 463 linear feet of temporary impacts for dewatering, and 640 linear feet of stream channel relocation using natural channel design, and the wetland impacts include 0.04 acres of non-404 hand-clearing of wetlands under a proposed bridge.

These impacts totals are different than the impacts evaluated in the FEIS, for the following reasons:

- 1) The jurisdictional areas within the project limits were re-assessed in 2006 and 2007, with some jurisdictional impact areas reducing and some areas expanding, for various reasons.
- 2) The project has had minor design changes since the FEIS, including design changes necessary for the addition of toll plazas and associated additional lanes. The additional impacts for the toll plazas and associated lanes are approximately 180 linear feet of stream impacts and 0.25 acre of wetland impacts.

NCDOT is proposing to use the onsite stream relocation using natural channel design, and the North Carolina Ecosystem Enhancement Program (EEP) to provide the necessary compensatory mitigation for the unavoidable losses of 10,699 linear feet of stream with more than minimal function, and 20.14 acres of wetlands.

Functional design plans, the FEIS, and information about the North Carolina Ecosystem Enhancement Program are available for review at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120; Raleigh, North Carolina 27615-6846 (Call ahead to arrange a time for review at (919) 876-8441, ext. 23).

Other Required Authorizations

This notice is being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Transportation Permitting Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy by October 9, 2007.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that a registered property, the Green Level Historic District (GLHD), is located within the project area. NCDOT, FHWA and the North Carolina State Historic Preservation Office (NC-SHPO) concurred that the project will adversely affect the GLHD. NCDOT, FHWA, NC-SHPO, the Wake County Historic Preservation Commission, and the Town of Cary developed a Memorandum of Agreement that outlines measures to minimize harm to the GLHD, and between August, 2001 and April, 2002, all the parties signed the MOA. NCTA has agreed to assume responsibility for the commitments in the MOA.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

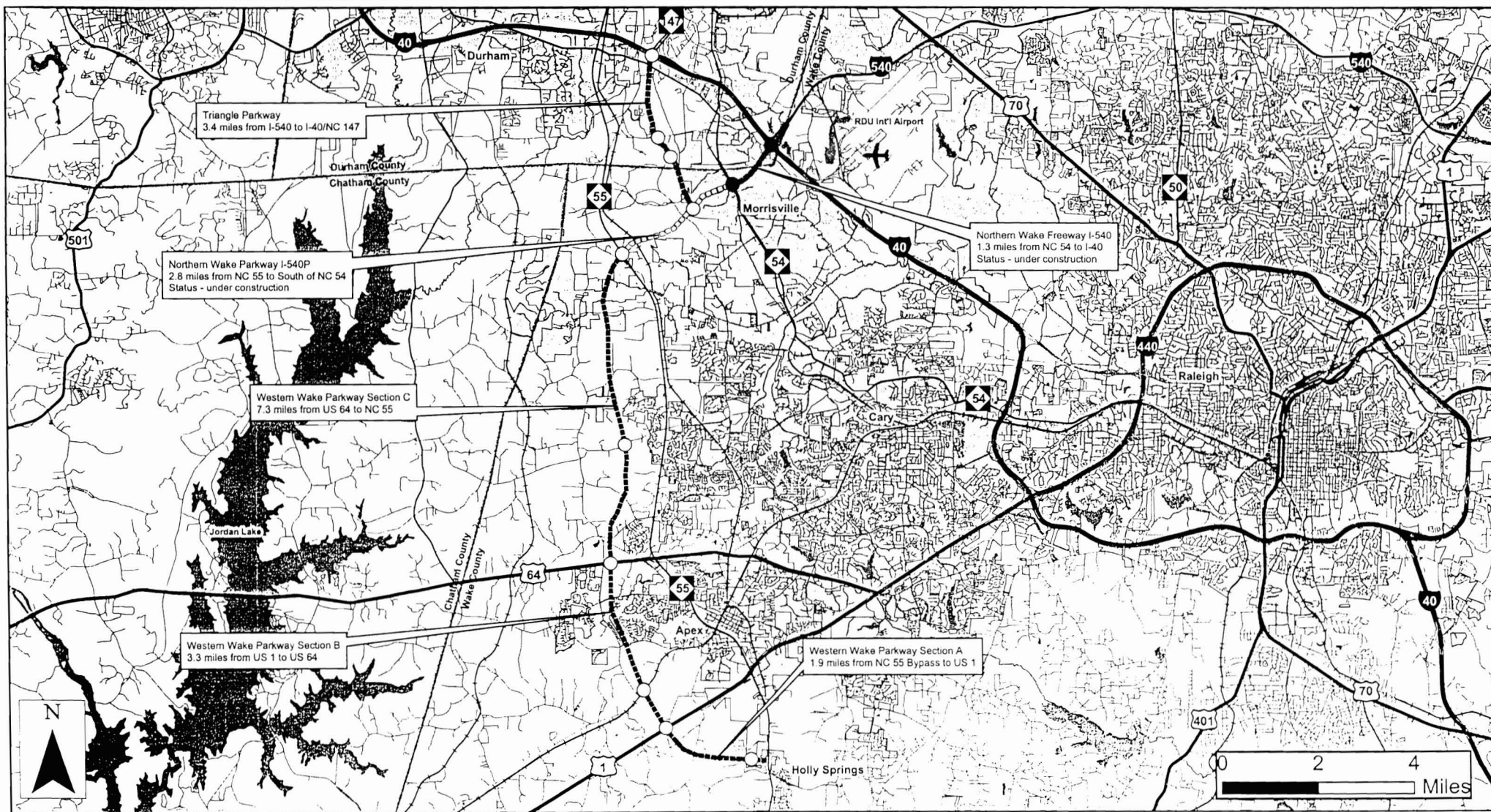
benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

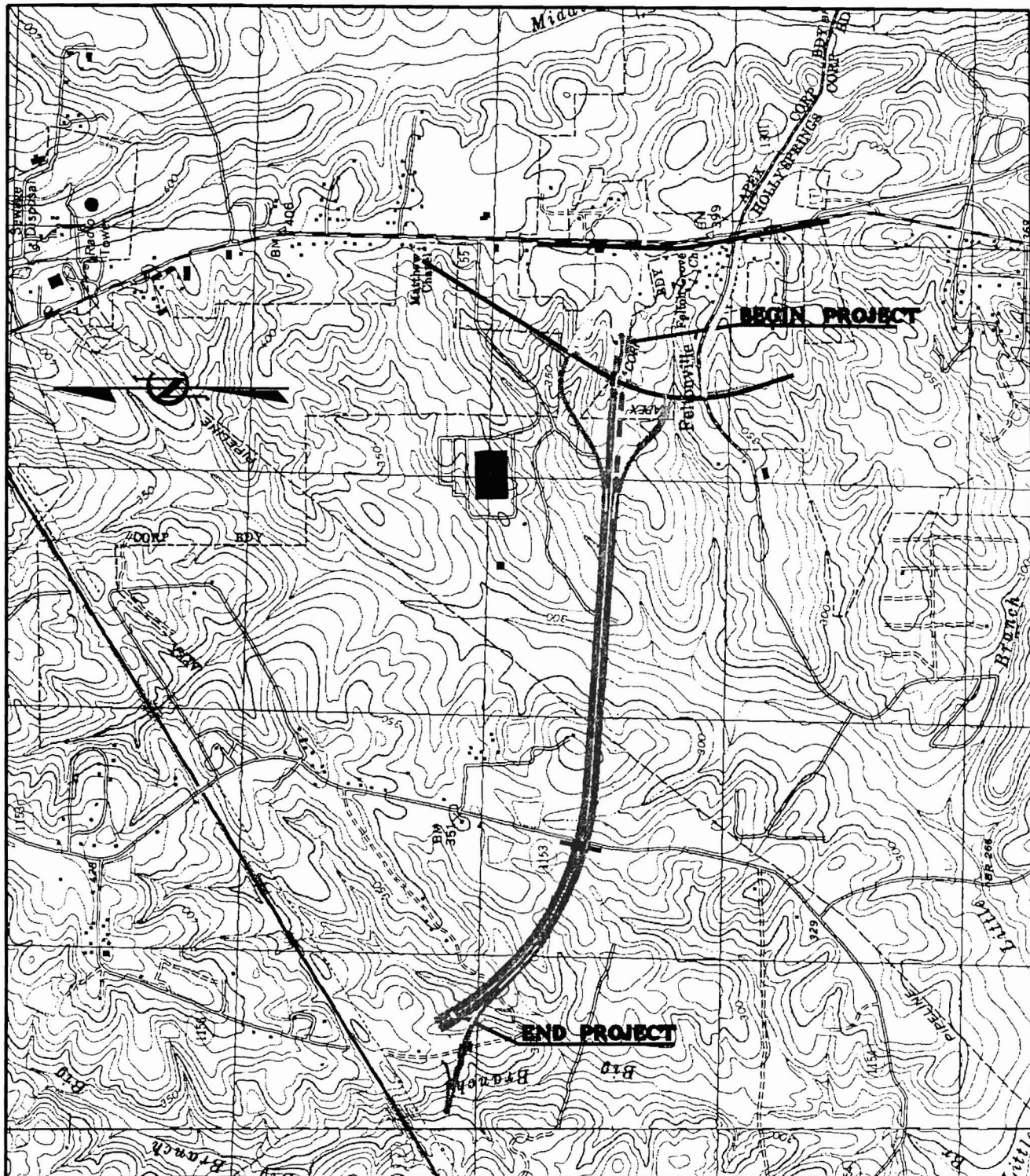
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 15, 2007. Comments should be submitted to Eric Alsmeyer, Wilmington District, Corps of Engineers, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615-6814. Telephone (919) 876-8441.



NCTA
Western Wake Freeway
DA# 2067-2903
R-2635

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LOCATION MAP

NCDOT

DIVISION OF HIGHWAYS

WAKE COUNTY

PROJECT: 6408006T (R-2633A)

**WESTERN WAKE EXPRESSWAY
FROM NC 55 TO US 1**

SHEET 2 OF 12

(A)

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	40+00-EY2-									74		
2	25+35 -Y2RPD-									305		
3	45+00-L-RT.		0.06									
4	45+00-L-LT.		0.12									
5	24+35 -Y2RPA-									103		
6	64+80-L-									447		
7	74+00-L-									450		
8	80+00-L-		1.03									
9	101+00-L-		0.19									
10	108+20-L-		0.37									
11	124+00-L-							1.21		276		
12	129+00-L-									537		
TOTALS:			1.77					1.21		2192		

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

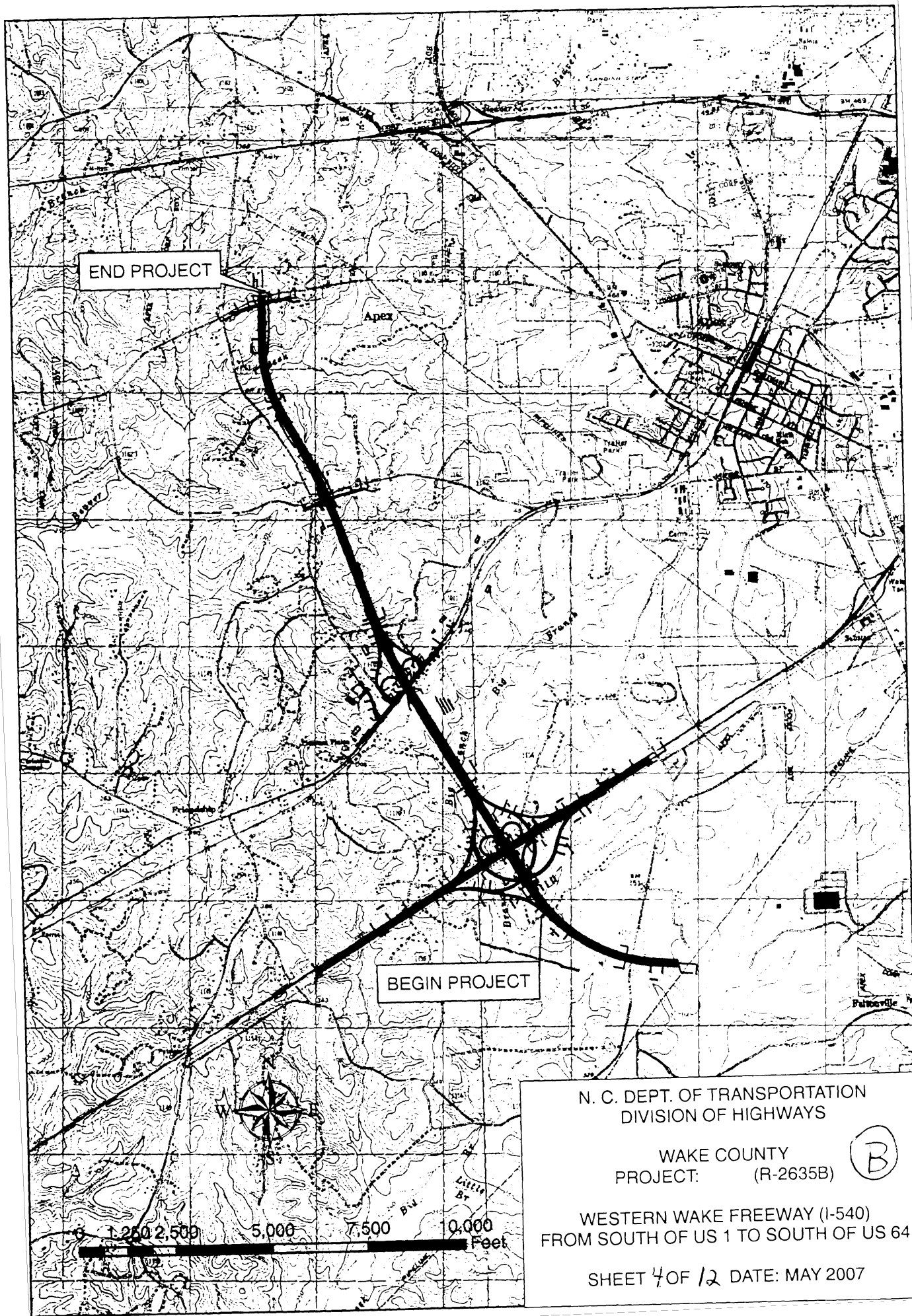
WAKE COUNTY

PROJECT: 35520.1.TA1 (R-2635A)

SHEET

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4/4/2007



END PROJECT

BEGIN PROJECT

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY
PROJECT: (R-2635B)

(B)

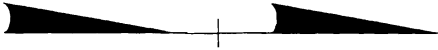
WESTERN WAKE FREEWAY (I-540)
FROM SOUTH OF US 1 TO SOUTH OF US 64

SHEET 4 OF 12 DATE: MAY 2007

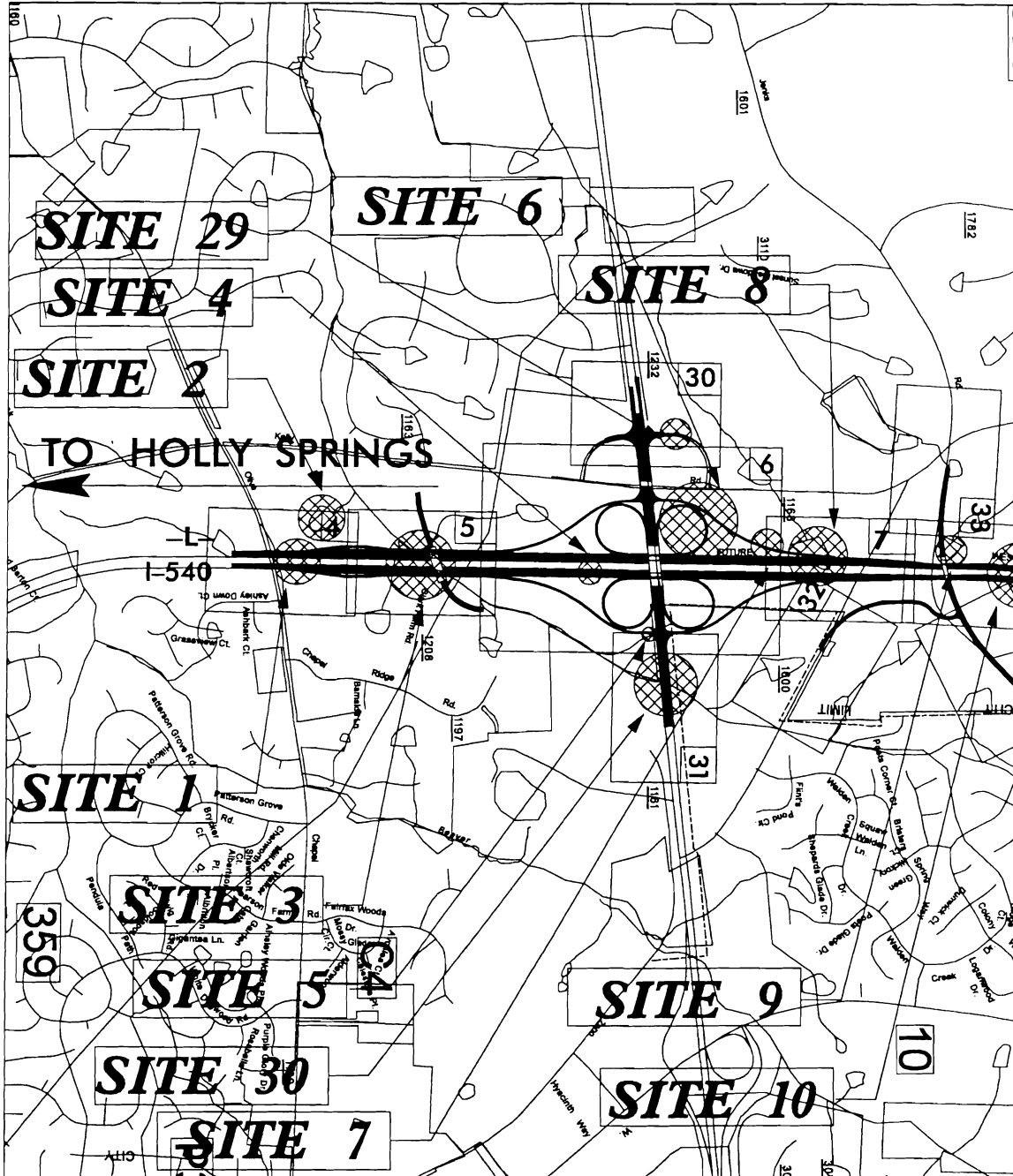
WETLAND PERMIT IMPACT SUMMARY												
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing In Wetlands (ac)	Hand Clearing In Wetlands (ac)	Permanent SW Impacts (ac)	Temp. SW Impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	21+40 / 22+50 -FLYOVERBD-		0.4			0.13						
2	23+90 -FLYOVERBD-		0.03									
3	24+24 -FLYOVERBD-									835		
4	18+49 / 19+59 -Y4RPA-		1.02									
5	11+92 / 16+43 -Y4RPA-		2.7									
7	144+87 -L-									1148		
8	62+88 / 65+20 -FLYOVERBD-							1.12				
9	166+50 / 168+44 -L-		0.23			0.03						
10	171+35 -L-									642		
10A	173+00 -L-									266		
11	LT OF 174+00 -L-		0.06			0.06						
12	196+83 / 198+83 -L-							0.93				
13	RT OF 198+00 -L-							0.12				
14	17+61 / 20+08 -Y5RPD-							1.04				
15	RT OF 206+00 -L-									119		
16	207+40 -L-									431		
17	LT OF 214+00 -L-		0.01			0.03						
18	LT OF 234+50 -L-		0.02			0.04						
19	235+80 / 237+40 -L-		1.04			0.19				21		
20	RT OF 241+00 -L-		0.1			0.01						
21	253+60 / 256+05 -L-		0.4			0.15						
22	252+44 / 260+54 -L-									935		
TOTALS:			6.01	0	0	0.64	0.00	3.21	0	4397	0	0

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NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
WAKE COUNTY
PROJECT 35520.1.1 (R-2635B)
WESTERN WAKE FREEWAY (I-540)
FROM SOUTH OF US 1 TO SOUTH
OF US 64
SHEET 6 OF 13 5/2/2007



WAKE COUNTY



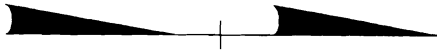
SITE MAP
1 OF 4

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY
PROJECT: 35520.1.1 (R-2635C)
WESTERN WAKE PARKWAY
(I-540) FROM SOUTH OF
US 64 TO NC 55

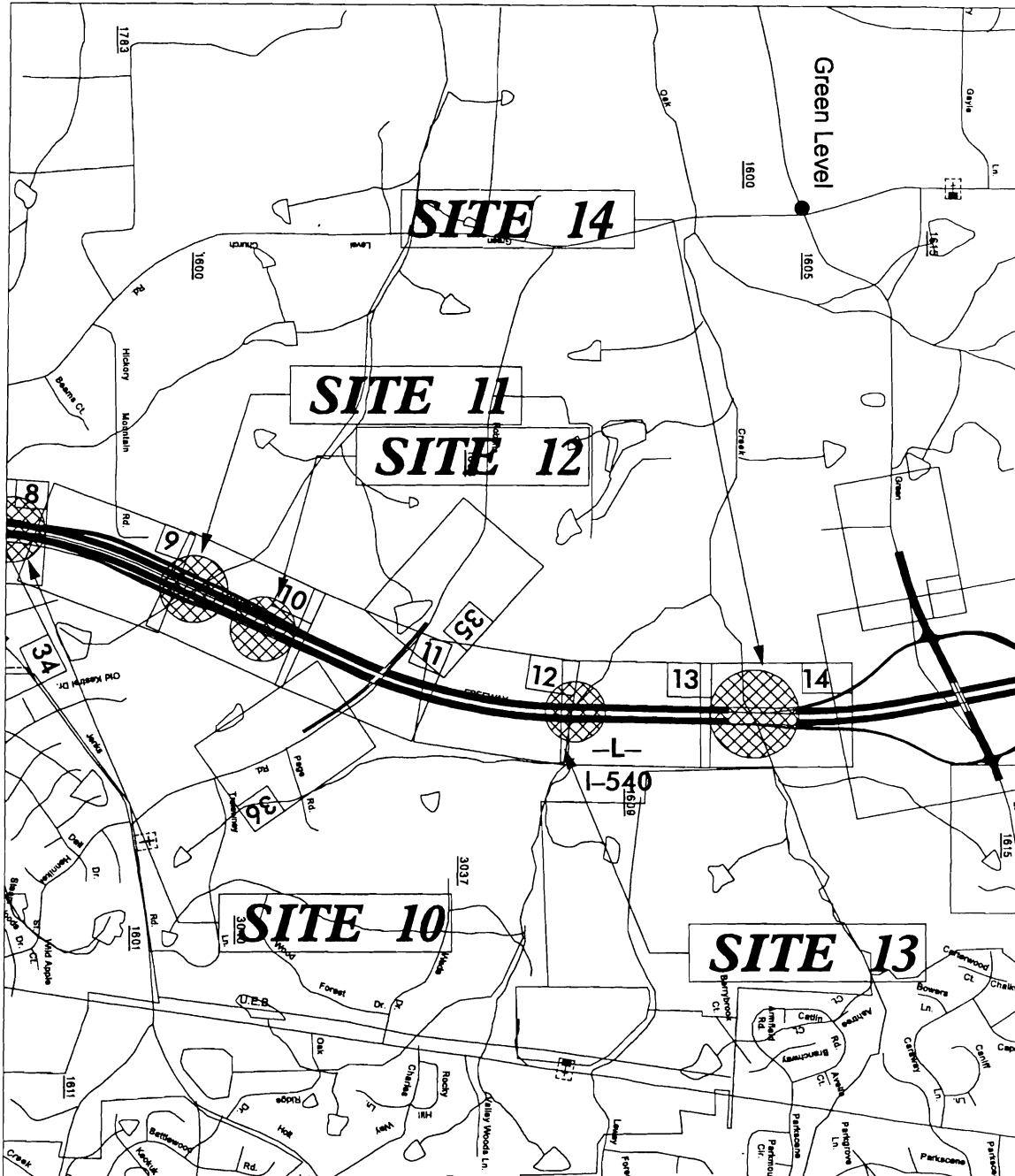
SHEET 7 OF 12

6/6/07



WAKE COUNTY

SEE SITE MAP 1 OF 4



SEE SITE MAP 3 OF 4

SITE MAP
2 OF 4

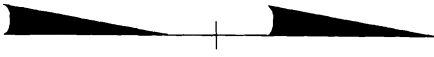
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY
PROJECT: 35520.1.1 (R-2635C)
WESTERN WAKE PARKWAY
(I-540) FROM SOUTH OF
US 64 TO NC 55

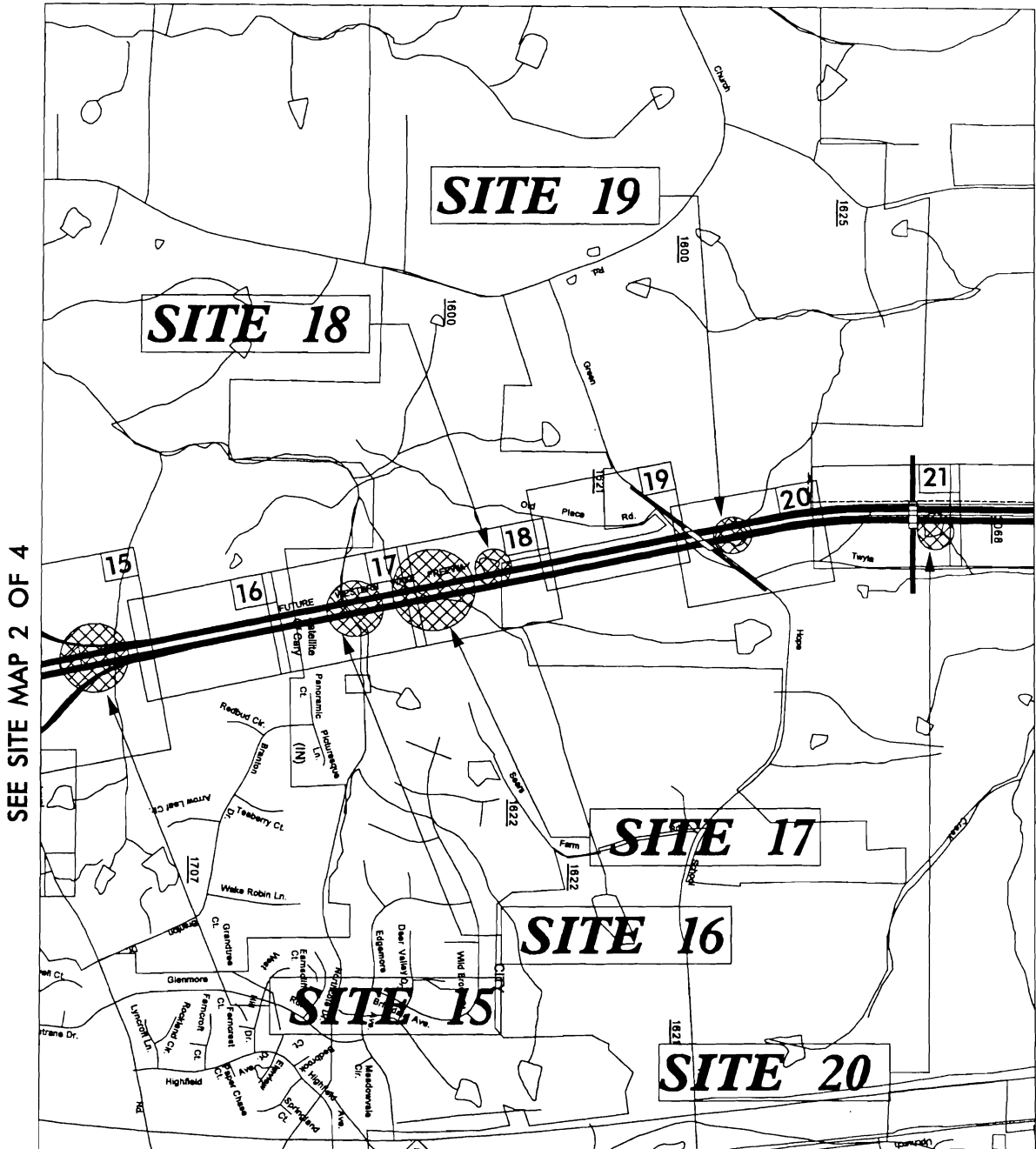
SHEET

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6/6/07



WAKE COUNTY



SEE SITE MAP 2 OF 4

SEE SITE MAP 3 OF 4

SITE MAP
3 OF 4

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY
PROJECT: 35520.1.1 (R-2635C)
WESTERN WAKE PARKWAY
(I-540) FROM SOUTH OF
US 64 TO NC 55

SHEET 9 OF 12

6/6/07

WETLAND PERMIT IMPACT SUMMARY												
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	305+11/306+07 L	N/A			0.77			0.01		128		
2	308+00 -L- LT	EXISTING POND						1.11				
3	317+00 -L-	2 @ 9' X 8' RCBC	0.95		0.34	0.22		0.19	0.01	1411	80	640
4	335+00 -I-	N/A			0.13							
5	23+00 RP1C	N/A			0.06							
6	20+20 RP1A	N/A			0.82							
7	12+00 RP1A	N/A			0.23							
8	15+00 TOLLCD2	N/A			0.33	0.02		1.55				
9	19+00 Y11	N/A						0.69				
10	377+00 -L-	36"/30" RCP			0.36			0.03	0.00	541	20	
11	397+55 -L-	60" RCP						0.03	0.00	504	35	
12	405+00 -L-	54" RCP	0.32			0.04		0.04	0.00	538	15	
13	438+00 -L-	BRIDGE	0.79		0.01	0.19	0.50					
14	455+00 -L-	BRIDGE					2.16	0.20				
*15	491+44 -L-	8' X 6' RCBC / 72" RCP	0.16			0.06		0.66	0.00	667	10	
16	515+00 -L-	2 @ 11' X 11' RCBC	0.47			0.03		0.14	0.02	498	48	
17	522+00 -L-	3 @ 8' X 6' RCBC	1.42		0.04	0.14		0.07	0.01	547	65	
18	530+00 -L- LT	N/A						0.58				
*19	554+00 -L-	N/A						1.17		143		
20	575+00 -L-	N/A						0.91				
21	595+00 -L-	BRIDGE	1.79			0.27	0.58					
22	609+50 -L-	60" RCP						0.09	0.01	473	40	
22A	630+00 -L-	42" RCP						0.01	0.00	52	20	
TOTALS:			5.90	0.00	3.09	0.97	3.24	7.48	0.05	5502	333	640

* Of Total Surface Water Impacts, the ponds at Sites 15 and 19 account for 0.61 and 1.16 acres, respectively.

REV 4/17/07 - Updated Site 19 and added Site 22A
 REV 5/30/07 - Updated per comments from 4C Meeting

All area quantities of 0.00 are less than 0.01 acres
 Rev 6/14/07 - Updated per comments by NEU

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS

WAKE COUNTY

PROJECT: 35520.1.1 (R-2635C)

SHEET

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REV 6/07

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
23	635+22 -L-	2 @ 10' X 8'						0.17	0.02	546	50	
24	642+00 -L- LT	36" RCP						0.01	0.00	172	25	
25	647+58 -L-	N/A			0.14							
26	673+00 -L-	BRIDGE		0.04			0.29	0.03		362		
27	9+00 RP3B	N/A	0.58									
28	683+00 -L-	N/A	0.58									
29	12+40 PRY18A	48" RCP						0.02	0.00	232	14	
29A	11+60 -Y8-	EX 36" RCP							0.00		30	
30	42+00 -Y8-	EX 8' X 6' RCBC						0.03	0.01	117	40	
TOTALS:			7.06	0.04	3.23	0.97	3.53	7.74	0.08	6931	492	640

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY

PROJECT: 35520.1.1 (R-2635C)

SHEET 12 of 12

REV 6/07

REV 4/17/07 - Updated Site 19 and added Site 22A
REV 5/30/07 - Updated per comments from 4C Meeting

All area quantities of 0.00 are less than 0.01 acres
6/14/07 - Updated per comments by NEU